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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case:3:19-cr-20833
Judge: Cleland, Robert H.
MJ: Stafford, Elizabeth A.
Filed: 12-17-2019 At 03:31 PM
SEALED MATTER (LG)

Violation(s):21 U.S.C. § 843(a)(3)

D-1 ELIZABETH PROPHITT, CRNA

Defendant.

INDICTMENT

THE GRAND JURY CHARGES:

GENERAL ALLEGATIONS

1. At all times pertinent to this Indictment, in the Eastern District of Michigan, the defendant, Elizabeth Prophitt was a Certified Registered Nurse Anesthetist (CRNA), licensed by the State of Michigan, and was employed by the Veterans Administration Ann Arbor Healthcare System. She retrieved vials of controlled substance medications from hospital dispensing machines for purported use on patients in order to obtain controlled substances by fraud. The purpose of obtaining these controlled substances was not for the legitimate treatment of patients, but rather for personal consumption and/or drug diversion. The primary

controlled substances she obtained by fraud included Schedule II drugs fentanyl, morphine, hydromorphone and Schedule IV drug midazolam.

MANNER & MEANS

2. The manner and means by which the defendant sought to obtain the controlled substances by misrepresentation, fraud, forgery, deception or subterfuge included, among others, the following: a) retrieving medications from hospital dispensing machines on days when she was unscheduled to work or after normal working hours; b) retrieving medication for patients that were not on her surgery service; c) retrieving medications for surgeries that had been cancelled or had already been completed; d) retrieving more medications than required for a patient's surgery and keeping the unused portions; and e) falsifying "waste" records to keep any unused medication instead of properly returning or disposing of the controlled substances.

COUNTS ONE – TWENTY FIVE

21 U.S.C. § 843(a)(3)

*(Obtaining Controlled Substances by Misrepresentation,
Fraud, Forgery, Deception, or Subterfuge)*

3. Paragraphs 1 through 2 of this Indictment are re-alleged and incorporated by reference as though fully set forth herein.

4. On or about each of the dates set forth below, in the Eastern District of Michigan, Southern Division, Defendant Elizabeth Prohitt, CRNA, did knowingly and intentionally acquire or obtain possession of the identified

scheduled controlled substances, in the names of the individuals identified, by misrepresentation, fraud, forgery, deception or subterfuge in violation of Title 21, United States Code, Section 843(a)(3) as follows:

COUNT	ON OR ABOUT DATE	ALLEGED PATIENT	CONTROLLED SUBSTANCE	AMOUNT (# of Vials)	DRUG SCHEDULE
1	11/24/2018	AB	HydroMorphone 2mg/1ml 1ml INJ	2	2
2	11/24/2018	AB	Fentanyl 250mcg/5ml 5ML INJ	4	2
3	11/24/2018	JT	HydroMorphone 2mg/1ml 1ml INJ	2	2
4	11/24/2018	JT	Fentanyl 250mcg/5ml 5ML INJ	4	2
5	11/24/2018	JT	Midazolam 2mg/2ml 2ml inj	1	4
6	12/9/2018	TC	HydroMorphone 2mg/1ml 1ml INJ	2	2
7	12/9/2018	TC	Fentanyl 250mcg/5ml 5ML INJ	4	2
8	12/31/2018	DB	Midazolam 2mg/2ml 2ml inj	1	4
9	12/31/2018	DB	Fentanyl 250mcg/5ml 5ML INJ	3	2
10	12/31/2018	DB	HydroMorphone 2mg/1ml 1ml INJ	1	2
11	12/31/2018	KB	Midazolam 2mg/2ml 2ml inj	1	4
12	12/31/2018	KB	Fentanyl 250mcg/5ml 5ML INJ	2	2
13	12/31/2018	KB	HydroMorphone 2mg/1ml 1ml INJ	1	2
14	1/19/2019	DH	HydroMorphone 2mg/1ml 1ml INJ	1	2
15	1/19/2019	DH	Fentanyl 1000mcg/20ml 20ml INJ	1	2

COUNT	ON OR ABOUT DATE	ALLEGED PATIENT	CONTROLLED SUBSTANCE	AMOUNT (# of Vials)	DRUG SCHEDULE
16	1/19/2019	DH	Midazolam 5mg/5ml 5ml VIAL	1	4
17	2/2/2019	TW	Midazolam 2mg/2ml 2ml inj	2	4
18	2/2/2019	TW	Fentanyl 1000mcg/20ml 20ml INJ	1	2
19	2/2/2019	TW	Morphine 2mg/1ml 1ml SYRINGE	1	2
20	2/2/2019	TW	Morphine 2mg/1ml 1ml SYRINGE	4	2
21	2/2/2019	RV	Midazolam 2mg/2ml 2ml inj	1	4
22	2/2/2019	RV	Midazolam 2mg/2ml 2ml inj	3	4
23	2/2/2019	RV	Fentanyl 250mcg/5ml 5ML INJ	3	2
24	2/2/2019	RV	Morphine 2mg/1ml 1ml SYRINGE	10	2
25	2/2/2019	RV	Fentanyl 100mcg/2ml 2ml INJ	6	2

All in violation of Title 21, United States Code, Section 843(a)(3).

THIS IS A TRUE BILL

/s/ Grand Jury Foreperson
GRAND JURY FOREPERSON

MATTHEW SCHNEIDER
United States Attorney

/s/Regina R. McCullough
REGINA R. MCCULLOUGH
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Dated: December 17, 2019

United States District Court Eastern District of Michigan	Criminal Case Cover
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NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AUSA's Initials: <u>BEM</u>

Case Title: USA v. ELIZABETH PROPHITT

County where offense occurred : WASHTENAW

Check One: ☒ Felony ☐ Misdemeanor ☐ Petty

☒ Indictment/ ☒ Information --- no prior complaint.
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number:]
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

Superseding Case Information

Superseding to Case No: _____ Judge: _____

- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☐ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

December 17, 2019
 Date


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¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.